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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/547,661

09/25/2006

Andreas Heinsohn

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7451

7590

08/06/2007

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EXAMINER

MEISLIN, DEBRA S

ART UNIT

PAPER NUMBER

3723

MAIL DATE

DELIVERY MODE

08/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/547,661

Applicant(s)

HEINSOHN, ANDREAS

Examiner

D S. Meislin

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/25/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/25/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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1. Claims 6-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, lines 8-9, it is not clear if applicant is referring to one of the previously defined insertion tips, the respective insertion tips, or an insertion tip that is in addition to the insertion tips previously defined. As best understood, "an insertion tip" should be ---a respective one of said insertion tips---. In line 9, "an angle" is not understood. How does an angle slope downward? Note also that "an acute angle" has been previously defined. As best understood, "an angle is sloping" should be ---said planar end faces slope---.

In claim 8, line 2, "routed" is not understood. In lines 4-5, "of an insertion tip" should be ---of a respective said insertion tip--.

In claim 9, antecedent basis for "the angle" is not understood since claim 8 defines "an acute angle" and claim 1 also defines "an acute angle" and "an angle".

In claim 12, the planar contact surfaces form an obtuse angle with respect to what surface(s)?

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 6, 10-11 and 13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Freed (4539873).

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freed (4539873).

Freed discloses all of the claimed subject matter except for having a diamond coating. Freed discloses a knurled or roughened surface. The examiner takes Official Notice that the use of diamond for providing a non-slip surface is notoriously old and well known in the art. Consequently, it would have been obvious to one having ordinary skill in the art to form the knurled or roughened surface of Freed out of diamond for its known non-slip ability.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freed (4539873).

The angle of the insertion tips of Freed form an acute angle with the axis of the tip. The chosen angle would dependent upon the amount of spread desired. It is noted that it would have been obvious to one having ordinary skill in the art to form the angle of the insertion tips at any of a variety of angles as such would have been an obvious matter of design choice as such would be dependent upon the amount of spread desired. Where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

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7. Claims 8-9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freed (4539873) in view of Bates (6378403).

Freed discloses all of the claimed subject matter except for having insertion tips in a planar contact surface forming an acute angle with a perpendicular to a longitudinal axis of the insertion tip. Bates discloses insertion tips in a planar contact surface forming an acute angle with a perpendicular to a longitudinal axis of the insertion tip. It would have been obvious to one having ordinary skill in the art to form the insertion tips of Freed in a planar contact surface forming an acute angle with a perpendicular to a longitudinal axis of the insertion tip as such would have been an obvious angular choice and for flat engagement with the workpiece as taught by Bates.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Meislin whose telephone number is 571 272-4487. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail, can be reached at 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800 786-9199 (IN USA OR CANADA) or 571 272-1000.

/D. S. Meislin/
Primary Examiner
Art Unit 3723

August 1, 2007